

HOUSE BILL 2043

By DeBerry

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 5 and Title 40, relative to
intellectually disabled victims.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-503(a), is amended by adding the following as a new subdivision:

(5) The defendant knows or has reason to know that the victim has an intellectual disability.

SECTION 2. Tennessee Code Annotated, Section 39-13-503(b), is amended by deleting the subsection and substituting instead the following:

(1) Rape under:

(A) Subdivisions (a)(1)-(4) is a Class B felony; and

(B) Subdivision (a)(5) is a Class A felony.

(2)

(A) Notwithstanding title 40, chapter 35, a person convicted of a violation of subdivision (a)(5) shall be punished as a Range II offender; however, the sentence imposed upon such person may, if appropriate, be within Range III but in no case shall it be lower than Range II.

(B) Section 39-13-525(a) shall not apply to a person sentenced under this subdivision (b)(2).

(C) Notwithstanding any law to the contrary, the board of parole may require, as a mandatory condition of supervision for any person convicted under subdivision (a)(5), that the person be enrolled in a satellite-based monitoring

program for the full extent of the person's term of supervision consistent with the requirements of § 40-39-302.

SECTION 3. Tennessee Code Annotated, Section 39-13-501, is amended by adding the following as a new subdivision:

"Intellectual disability" means:

- (A) Significantly subaverage general intellectual functioning;
- (B) Deficits in adaptive behavior; and
- (C) The intellectual disability must have been manifested during the developmental period, or by eighteen (18) years of age.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.